

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
) **Hon. Patti B. Saris**

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,*
Civil Action No. 05-11084-PBS

)
) **Magistrate Judge**
) **Marianne B. Bowler**
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LIST OF PENDING DISCOVERY MOTIONS

Pursuant to the Court's August 5, 2009 instructions, Defendants Dey, Inc., Dey, L.P., and Dey L.P., Inc. (collectively, "Dey") hereby submit the following list of pending discovery motions for consideration by Magistrate Judge Marianne B. Bowler on September 14, 2009:

1. Dey's Motion to Compel the Production of Documents from the Georgia Department of Community Health (Dkt. No. 5725-7, Subcategory Dkt. No. 89-91);
2. Dey's Motion to Compel Luis Cobo and Ven-A-Care of the Florida Keys, Inc. to Produce Documents (Dkt. No. 5728-30, Subcategory Dkt. No. 92-4);
3. Dey's Motion to Compel Production of Documents Responsive to Subpoena re Delaware, North Carolina, Oklahoma, and South Dakota (Dkt. No. 5776-8, Subcategory Dkt. No. 116-8);
4. The following spoliation motions, which, while not all filed by Dey, are related:
 - (a) Abbott Laboratories Inc.'s Motion for Sanctions and for a Finding of Spoliation (Dkt. No. 6096-97, Subcategory Dkt. No. 218-19);
 - (b) Dey's Motion for Sanctions and for a Finding of Spoliation (Dkt. No. 6109-11, Subcategory Dkt. No. 222-24); and
 - (c) Roxane Defendants' Motion for Sanctions and for a Finding of Spoliation (Dkt. No. 6254-55, Subcategory Dkt. No. 274-75); and

5. Dey's Motion for Leave to Participate in the Depositions of Carolyn Helton and Robin Kreush Stone to the Extent this Court Grants Roxane's Expedited Motion for Leave to Depose Carolyn Helton and Robin Kreush Stone (Dkt. No. 6384, Subcategory Dkt. No. 368).

Dated: August 20, 2009

KELLEY DRYE & WARREN LLP

By: /s/ Sarah L. Reid

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*Attorneys for Defendants Dey, Inc.
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on August 20, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

_____/s Sarah L. Reid